

REMARKS

Claims 1-4, 6-14, 16-41, and 43-70 remain in the application with claims 1 and 38 in independent form.

Claims 7 and 8 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claim 7 has been amended to reintroduce its appropriate 'dependency'. In view of this amendment, it is believed that the Examiner's § 112 rejection of claims 7 and 8 is overcome.

Claims 1-4, 6-14, 16-41, and 43-70 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tatsuya et al. (JP 2000-271534) as generally recited in the prior Office Action in view of Yonetani (United States Patent No. 5,698,301) and in further view of Spencer et al. (United States Patent No. 6,242,056), Murayama et al. (United States Patent No. 5,424,006), Schimmel et al. (United States Patent No. 5,585,427), and Zhao et al. (United States Patent No. 6,036,999).

In this rejection, the Examiner acknowledges that the prior art does not disclose, teach, or suggest "that the phosphorescent pigment can be included within the clear coat of the composite film". To this end, the Examiner introduces Yonetani and contends that Yonetani teaches a phosphorescent coating system wherein phosphorescent pigment, namely SrAl_2O_4 , is included in "a transparent resin layer" to provide a phosphorescent coating layer on an article. The Applicant respectfully traverses this contention made by the Examiner and argues that, due to the misinterpretation of the prior art, the Examiner has not established the requisite *prima facie* case of obviousness. Simply stated, the phosphorescent pigment of Yonetani is not included in the transparent resin layer. Instead, it is included in the phosphorescent layer (see Abstract of Yonetani specifically stating that "[i]t uses SrAl_2O_4 as a phosphorescent pigment to be incorporated in the phosphorescent layer..." (emphasis added)).

More specifically, referring to Figures 1-3 of Yonetani, Yonetani discloses a phosphorescent article generally having three layers: a phosphorescent layer; a transparent resin layer; and a reflective layer. From top to bottom, the phosphorescent

article of Yonetani includes the transparent resin layer (top), the phosphorescent layer (middle), and the reflective layer (bottom). As stated above, the phosphorescent pigment is incorporated into the middle, phosphorescent layer...not the top, transparent resin layer. Thus, Yonetani teaches nothing more than the prior art that the Applicant has already overcome, specifically prior art that incorporates a phosphorescent pigment into some layer other than the outermost layer so as to achieve adequate appearance.

In contrast, the invention as claimed in independent claims 1 and 38 requires that the clearcoat composition (i.e., the equivalent to the transparent resin layer of Yonetani) include the phosphorescent pigment such that exposure of the phosphorescent pigment to an external incident energy source is maximized.

In view of the remarks set forth above, the Examiner has not established the requisite *prima facie* case of obviousness because the prior art references, taken individually or in combination, do not disclose, teach, or otherwise suggest the invention claimed in independent claims 1 and 38. As such, these claims are allowable and the remaining claims depend either directly or indirectly from the non-obvious features of these amended claims such that the dependent claims are also allowable.

It is respectfully submitted that the Application is now presented in condition for allowance, which allowance is respectfully solicited.

No fees are believed to be due. However, if necessary, the Commissioner is authorized to charge Deposit Account No. 08-2789 for any additional fees or to credit the account for any overpayment.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS, P.C.

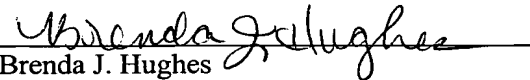
Date: September 17, 2004



David M. LaPrairie, Registration No. 46,295
The Pinehurst Office Center, Suite 101
39400 Woodward Avenue
Bloomfield Hills, Michigan 48304-5151
(248) 723-0442

CERTIFICATE OF MAILING

I hereby certify that the attached **Response** and **return post card** are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to **Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450**, on **September 17, 2004**.


Brenda J. Hughes

G:\B\BASFAutoCoatings\ip00023\patent\ThirdResponse.doc